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INFO AMEMBASSY DAR ES SALAAM
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JTF SUPPORT HOPE KELLY BARRACKS GE//COS/JOC/J3//
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NAIROBI FOR DART/RWANDA AND REFCOORD

E.O. 12356: N/A
TAGS: PHUM, PREL, PREF, AORC, RW
SUBJECT: WGRW02: UN HUMAN RIGHTS PROGRAM IN RWANDA:
-- GETTING IT ALL TOGETHER

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 04 NOV 2011 201005065

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REF: A) STATE 246554, B) KIGALI 1509
- C) STATE 251101 (NOTAL)
- D) WAGENSEIL/NIX TELCON 9/16/94

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SUMMARY

1. HCHR AYALA LASSO HAS FINALLY GOTTEN THE UN'S HUMAN RIGHTS ACT IN RWANDA TOGETHER, PRESENTING A PAPER WHICH SPELLS OUT THE INTERRELATIONSHIPS BETWEEN FIELD OFFICERS WORKING FOR THE SPECIAL RAPPORTEUR, INVESTIGATORS AND FORENSIC SPECIALISTS ASSISTING THE COMMISSION OF EXPERTS MONITORS BUILDING CONFIDENCE TO ASSIST THE RETURN OF REFUGEES, AND ASSISTANTS PROVIDING ADVISORY SERVICES IN THE FIELD OF ADMINISTRATION OF JUSTICE. THE HCHR HAS RECEIVED USD 2.5 MILLION IN PLEDGES; HE ESTIMATES ANOTHER USD 8 MILLION-PLUS -- IN MANPOWER, MATERIEL, AND SERVICE -- WILL BE REQUIRED-- DESPITE A SLOW START, AND CONTINUE CONCERNS ABOUT DELAYS IN FIELDING FULLY-EQUIPPED PERSONNEL, TWO DOZEN MONITORS HAVE NOW BEEN RECRUITED AND LIMITED OFFICIAL USE

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ARE BEING DEPLOYED (SEE PARAS 13-14 BELOW). SPECIALISTS FOR THE INVESTIGATIONS ARE ALSO SOUGHT; THE PROPOSED USG TEAM WILL MEET WITH THE COMMISSION OF EXPERTS ON MONDAY WORK OUT FORMALITIES OF THEIR RELATIONSHIP. END SUMMARY

2. AFTER FOUR MONTHS OF DISJOINTED, AD HOC EFFORTS TO ORGANIZE A HUMAN RIGHTS FIELD OPERATION IN RWANDA, AND EMBARRASSING PUBLICITY FROM A NOISY "RESIGNATION" AND RESULTANT CRITICISM BY WESTERN NGO'S, HIGH COMMISSIONER JOSE AYALA LASSO HAS FINALLY PUBLISHED A "PRELIMINARY OPERATIONAL PLAN" TO DRAW ALL THE DISPARATE ELEMENTS INTO A SINGLE, COHERENT FRAMEWORK. THE HCHR PRESENTED THE PLAN TO REPRESENTATIVES OF MEMBER STATES ON THURSDAY (FULL TEXT FAXED 9/15 TO DRL/MLA FOR DISTRIBUTION TO ALL INTERESTED DEPARTMENT OFFICES). FOLLOWING IS A SUMMARY OF THAT SIX-PAGE PAPER.

THE OPERATIONAL PLAN

3. THE PLAN STARTS WITH THE LEGAL AND CONCEPTUAL FRAMEWORK FOR THE RWANDA OPERATION.

- IT NOTES FIRST THAT THE MAY 25 COMMISSION ON HUMAN RIGHTS (CHR) SPECIAL SESSION ESTABLISHED A SPECIAL

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RAPPOREUR (SUPPORTED BY A TEAM OF HUMAN RIGHTS FIELD OFFICERS) WHOSE MANDATE CONTAINS TWO ELEMENTS: A) TO REPORT TO CHR, ECOSOC, UNSC AND UNGA ON THE ROOT CAUSES AND RESPONSIBILITIES FOR THE RECENT ATROCITIES AND THE ONGOING HUMAN RIGHTS SITUATION IN RWANDA; AND B) TO REPORT TO THE SECRETARY-GENERAL ON INFORMATION GATHERED AND COMPILED SYSTEMATICALLY CONCERNING VIOLATIONS OF HUMAN RIGHTS
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RIGHTS, HUMANITARIAN LAW, WAR CRIMES AND GENOCIDE. THE MANDATE ALSO CALLS FOR PEACE-BUILDING TO BE SUPPORTED BY COMPREHENSIVE PROGRAM OF HUMAN RIGHTS ASSISTANCE.
- UNSC RESOLUTION 935 (1 JULY) CREATED A COMMISSION OF EXPERTS ON RWANDA TO EXAMINE AND ANALYZE INFORMATION CONCERNING GRAVE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND GENOCIDE IN RWANDA, TASKED TO PRESENT ITS CONCLUSIONS TO THE SYG BEFORE NOVEMBER 30. THE SECRETARY-GENERAL DECIDED TO BASE THIS COMMISSION IN GENEVA, WHERE IT COULD DRAW ON THE RESOURCES OF THE HUMAN RIGHTS CENTER -- IN PARTICULAR THOSE ALREADY MADE AVAILABLE TO THE SPECIAL RAPPOREUR. THE HCHR WAS ASKED TO ENSURE COORDINATION BETWEEN THEM.
- IT SINCE BECAME APPARENT THAT A LARGER NUMBER OF HUMAN RIGHTS STAFF WOULD BE REQUIRED TO CARRY OUT THESE EFFORTS IN RWANDA, AND THE HCHR APPEALED FOR FUNDS TO THIS END AT THE AUGUST 2 PLEDGING CONFERENCE. THE RWANDESE AUTHORITIES LATER AGREED WITH THE HCHR THAT AS MANY AS 100 FIELD OFFICERS WOULD BE DEPLOYED, TO COVER EACH COMMUNE

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4. THE FIELD OPERATION SHOULD BE ABLE TO RESPOND TO FOU
 OBJECTIVES:

O A) TO CARRY OUT INVESTIGATIONS, ESSENTIALLY FOR THE

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COMMISSION OF EXPERTS;

- 0 B) TO MONITOR THE ONGOING HUMAN RIGHTS SITUATION, ESSENTIALLY FOR THE RAPPORTEUR, AND PREVENT POSSIBLE FUTURE VIOLATIONS;
- 0 C) TO HELP REESTABLISH CONFIDENCE AND FACILITATE THE RETURN OF REFUGEES AND THE REBUILDING OF CIVIL SOCIETY; AND
- 0 D) TO IMPLEMENT ASSISTANCE PROGRAMS IN HUMAN RIGHTS PARTICULARLY ADMINISTRATION OF JUSTICE.

5. THE FOLLOWING STEPS ARE BEING TAKEN TO IMPLEMENT THE REQUIREMENTS. TWENTY-THREE HUMAN RIGHTS MONITORS ARE NOW BEING SENT TO THE FIELD. A CHIEF OF FIELD OPERATIONS FOR RWANDA (WILLIAM CLARANCE (UK), FORMERLY WITH THE UNHCR, WHO WILL SERVE AT THE D-1 LEVEL) HAS TAKEN UP HIS POST IN KIGALI. THE HCHR IS IN THE PROCESS OF CONCLUDING AN
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AGREEMENT WITH THE UN VOLUNTEER PROGRAM TO FIND ADDITIONAL PERSONNEL TO SERVE IN RWANDA. THERE MAY ALSO BE AGREEMENTS WITH GOVERNMENTS WHO COULD PROVIDE QUALIFIED OFFICERS.

6. FOR ITS OPERATIONAL STRUCTURE, THE HCHR ENVISAGES THE HUMAN RIGHTS TEAM WILL SIMULTANEOUSLY CARRY OUT MONITORING, CONFIDENCE BUILDING ACTIVITIES, AND TECHNICAL COOPERATION, AS WELL AS INVESTIGATIONS INTO ALLEGED VIOLATIONS, ALL UNDER THE DIRECTION OF THE CHIEF OF THE FIELD OPERATION AND THE OVERALL AUTHORITY AND DIRECTION OF THE HCHR. SECURITY WILL BE COORDINATED WITH UNAMIR. THE KIGALI FIELD OFFICE WILL HAVE A SEPARATE UNIT RESPONSIBLE FOR THE CONDUCT OF INVESTIGATIONS, FOLLOWING DIRECTIVES FROM THE COMMISSION OF EXPERTS (AND, EVENTUALLY, BY THE PROSECUTOR OF AN INTERNATIONAL TRIBUNAL). THIS UNIT WILL BE HEADED BY AN EXPERIENCED PUBLIC PROSECUTOR, SUPPORTED BY CRIMINAL INVESTIGATORS, FORENSIC AND BALLISTIC EXPERT ETC. IT WILL ANALYZE ALL ALLEGATIONS AND COMPLAINTS REGARDING VIOLATIONS OF HUMAN RIGHTS AND HUMANITARIAN LAW AND CHANNEL THEM FOR APPROPRIATE ACTION.

7. OPERATIONALLY, THE HCHR BELIEVES THE INVESTIGATIVE ASPECT IS OF PRIORITY GIVEN THE SHORT DEADLINE FOR THE FINAL REPORT BY THE COMMISSION OF EXPERTS. THEIR PRIMARY OBJECTIVE IS TO PRODUCE SPECIFIC EVIDENCE LIKELY TO BE USED FOR PROSECUTION AND FOR IDENTIFYING INDIVIDUALS RESPONSIBLE FOR PERPETRATING ACTS CONSIDERED TO BE GRAVE

BREACHES OF INTERNATIONAL HUMANITARIAN LAW AS WELL AS
POSSIBLE ACTS OF GENOCIDE. THESE IN-DEPTH INVESTIGATION
SHOULD BE CARRIED OUT BY A SPECIALIZED GROUP OF
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INVESTIGATORS, INCLUDING FORENSIC EXPERTS, UNDER A CHIEF
OF INVESTIGATION TO BE APPOINTED BY THE HCHR. THE
COMMISSIONERS WILL DECIDE ON A PRIORITY LIST OF PROJECTS
OR CASES; THEY HAVE ALREADY IDENTIFIED THREE MASS GRAVE
EXHUMATIONS REQUIRING NINE FORENSIC EXPERTS. THE HUMAN
RIGHTS FIELD OFFICERS WILL ACT AS AN INFORMATION-GATHERI
NETWORK ACROSS THE COUNTRY, BUT THE INVESTIGATIONS
THEMSELVES WILL BE CARRIED OUT BY THE SPECIALISTS.

8. TO CONDUCT THE MONITORING, FIELD OFFICES WILL BE
ESTABLISHED PROGRESSIVELY. FROM 9/15 - 10/14, MOBILE
TEAMS WILL MAKE 10-14 DAY MISSIONS TO EACH OF THE FIVE
ZONES ESTABLISHED BY UNAMIR. NEXT (10/15 - 11/11) BASES
WILL BE ESTABLISHED IN EACH OF THE TEN PREFECTURES, WHIL
CONTINUING MOBILE MISSIONS ON TOUR. FINALLY (11/14 -
12/12), BASES WILL
BE ESTABLISHED IN EACH SUB-PREFECTURE
WHILE MOBILE TEAMS CONTINUE.

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9. AS THE OPERATION MOVES TOWARD ADVISORY SERVICES AND
TECHNICAL ASSISTANCE, AN IMMEDIATE NEEDS ASSESSMENT
MISSION WILL EVALUATE THE NEEDS AND PRIORITIES OF
ASSISTANCE. THAT MISSION REPORT WILL HELP FORMULATION O
COMPREHENSIVE PROGRAM AND WORK-PLAN, TO BE DESIGNED AND
IMPLEMENTED WITH GOR AND NGOS. MEANWHILE, FIELD OFFICER
WILL BEGIN IMMEDIATELY SEEKING WAYS TO STRENGTHEN THE
ADMINISTRATION OF JUSTICE, INCLUDING HUMAN RIGHTS

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TRAINING, TO DEVELOP HUMAN RIGHTS EDUCATION, AND TO CARR
OUT OTHER INSTITUTION-BUILDING PROJECTS.

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10. THE HCHR SET OUT THE FOLLOWING HUMAN RESOURCE
REQUIREMENTS. THE TARGET FIGURE OF 147 COMPRISES ALL/AL
HUMAN RIGHTS STAFF DEALING WITH THE DIFFERENT ASPECTS OF
THE PRESENT PLAN, INCLUDING SPECIALIZED PERSONNEL FOR
INVESTIGATIONS AND THOSE INVOLVED IN TECHNICAL
ASSISTANCE. AGREEMENTS ARE PENDING WITH THE UNVS AND
PERHAPS WITH INTERESTED GOVERNMENTS FOR THE MONITORS. F
THE INVESTIGATIONS, THEY NEED 20 POLICE INVESTIGATORS, 1
PROSECUTORS, 9 FORENSIC EXPERTS, AND ONE EXPERIENCED
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PROSECUTOR OR MAGISTRATE TO HEAD THE SPECIAL UNIT IN
KIGALI. GOVERNMENTS ARE INVITED TO CONSIDER PROVIDING
SUCH SPECIALISTS (FRENCH AND ENGLISH LANGUAGE REQUIRED)
THE BASIS OF NON-REIMBURSABLE LOANS.

11. ON THE FINANCIAL SIDE, FUNDS TALLING USD 978,200
HAVE BEEN MADE AVAILABLE FROM THE UN WORKING FUND TO
SUPPORT THE SIX HUMAN RIGHTS FIELD OFFICERS AND THE
COMMISSION OF EXPERTS, PENDING APPROVAL OF REGULAR BUDGE
RESOURCES BY THE UNGA. VOLUNTARY CONTRIBUTIONS TALLIN
USD 2,463,881 HAVE BEEN PLEDGED BY 9 GOVERNMENTS
(INCLUDING USD 750,000 FROM THE US), BUT ONLY USD 422,20
HAVE ACTUALLY BEEN RECEIVED AS OF 15 SEPTEMBER. THE HCH
ESTIMATES A TOTAL OF USD 10.5 MILLION WOULD BE REQUIRED
COVER THE ENTIRE 147 OFFICERS FOR SIX MONTHS (MEANING AN
ADDITIONAL USD 8 MILLION-PLUS IS NEEDED). THIS FIGURE
INCLUDES 50 4X4 VEHICLES WITH RADIOS, 10 BASE STATIONS A
147 HAND-HELD RADIOS, 147 WORDPROCESSORS WITH PRINTERS,
AND OFFICE EQUIPMENT FOR 20 OFFICES -- ALL CONSIDERED
INDISPENSIBLE FOR THE EFFECTIVE IMPLEMENTATION OF THE
OPERATION.

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THE MONITORS

13. THE CHR SPECIAL SESSION AUTHORIZED THE APPOINTMENT
SIX "FIELD OFFICERS" TO ASSIST THE SPECIAL RAPPORTEUR IN

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PREPARATION OF HIS REPORTS. THOSE FIELD OFFICERS WERE HIRED, WE ARE TOLD, ON THE BASIS OF LEGAL TRAINING, EXPERIENCE IN HUMAN RIGHTS ISSUES AND INVESTIGATION OF HUMAN RIGHTS ABUSES, OR SOME COMBINATION OF THESE SKILLS IN HIS SECOND REPORT, SPECIAL RAPPORTEUR RENE DEGNI-SEGU CALLED FOR DEPLOYMENT IN RWANDA OF "OBSERVATEURS" OR MONITORS TO ASSIST IN THE RESTORATION OF CONFIDENCE AND THE RETURN OF REFUGEES. THE MONITORS HIRING PROCESS HAS

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BEEN SLOWED BY THE NEED TO FIND FRENCH-SPEAKERS WITH HUMAN RIGHTS TRAINING OR EXPERIENCE WHO DO NOT/NOT COME FROM RWANDA, COUNTRIES NEIGHBORING IT, FRANCE, OR BELGIUM. I IS ALSO OUR UNDERSTANDING THAT ASYG IBRAHIMA FALL WAS PERSONALLY VETTING ALL APPLICATIONS AND MAKING THE FINAL DECISIONS ON WHICH CANDIDATES TO APPROACH; WHEN CONTACTED NOT ALL OF THEM TURN OUT TO BE AVAILABLE OR WILLING TO WORK IN THE FIELD (NOT GENEVA), FURTHER SLOWING THE HIRING PROCESS.

14. AS OF MIDDAY SEPTEMBER 15, 24 PERSONS HAVE BEEN IDENTIFIED TO SERVE IN THE MONITORING EFFORT, INCLUDING THE HEAD OF THE FIELD OPERATION. THEY COME FROM AROUND THE REGIONS AS FOLLOWS: A) AFRICA - 8; B) WESTERN EUROPE 9, INCLUDING CLARENCE; C) USA - 2; D) ASIA - 1; E) LATIN AMERICA - 3; F) EASTERN EUROPE - NONE, SO FAR. (THERE HAVE BEEN THREE MORE MONITORS PROPOSED; ONE OF THEM IS FROM POLAND, ONE FROM PERU, AND ONE FROM THE USA.) ALL THESE HAVE BEEN BROUGHT ON BOARD WITH 3-MONTH CONTRACTS. (THIS ENABLES THE UN TO HIRE MORE MONITORS WITH ABOUT THE SAME AMOUNT OF MONEY, AND MAKES IT EASIER TO SORT OUT THE DEADWOOD EARLY.) AS ANNOUNCED BY THE HCHR, THE CENTER IS IN THE PROCESS OF CONCLUDING AN AGREEMENT WITH UNV FOR ADDITIONAL PERSONNEL. IT IS EXPECTED THERE WILL BE "LOT OF AMERICANS AMONG THOSE SELECTED AS UNV'S. THEY EXPECT THERE WILL BE PERHAPS 25 UNV'S DEPLOYED OVERALL, AT LEAST IN THE INITIAL PHASE. THE INITIAL BATCH OF 24 CANDIDATES PROPOSED BY UNV HAS YIELDED ABOUT 12-14 WHOM THE CENTER WILL ACCEPT, INCLUDING A NUMBER OF AMERICANS. THEY WILL BE HIRED ON SIX-MONTH CONTRACTS (UNV HAD WANTED ONE-YEAR HIRES, BUT THE CENTER RESISTED IN THE NAME OF FLEXIBILITY

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SUPPORT FOR THE COMMISSION OF EXPERTS

15. AS REPORTED EARLIER, WE TOLD THE COMMISSION OF EXPERTS THAT THE USG IS WILLING TO PROVIDE ASSISTANCE IN THEIR TASK. THIS ASSISTANCE COULD INCLUDE FUNDING, BUT WOULD CERTAINLY INCLUDE PROVISION OF LEGAL INVESTIGATORS OR FORENSIC EXPERTS TO WORK WITH THE COMMISSION. THEY WELCOMED THE NEWS AND AGREED TO OUR REQUEST FOR SPECIFIC INFORMATION ON THE TASKS THEY WOULD LIKE PERFORMED BY TH EXPERTS, BUT WOULD NOT HAVE MORE PRECISE INFORMATION ON THESE TASKS UNTIL THEIR RETURN FROM THEIR INITIAL VISIT RWANDA, NOW SET FOR LATE SUNDAY 9/18.

16. MISSION WELCOMES THE NEWS IN REF A THAT THE USG WIL FIELD A TEAM OF LAWYERS AND SPECIALISTS TO CONDUCT ON-SI INVESTIGATIONS FOR THE COMMISSION OF EXPERTS IN RWANDA.

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WE CONCUR WITH SOME OF THE QUALMS EXPRESSED BY KIGALI IN
REF B AND WELCOME THE TEAM'S DECISION (REF X) TO MEET
FIRST WITH THE COMMISSION -- HERE IN GENEVA -- TO
ESTABLISH CLEAR UNDERSTANDINGS ABOUT THEIR RELATIONSHIPS
WITH EACH OTHER, THE TASKS WHICH WILL BE PERFORMED, AND
THE EVENTUAL FORM AND DESTINATION OF ANY INFORMATION WHI
IS DEVELOPED. THROUGH INFORMAL CONTACTS WITH COMMISSION
SECRETARY BRUNA MOLINA-ABRAM, WE HAVE MADE TENTATIVE
ARRANGEMENTS FOR THE TEAM TO CALL ON THE COMMISSION LATE
MONDAY, SEPTEMBER 19. PER REFTELCON, WE ARE ALSO
EXPLORING THE POSSIBILITY AND NEED FOR THE TEAM TO CALL
HIGH COMMISSIONER AYALA LASSO.

17. THE HCHR PAPER DESCRIBED ABOVE IS THE MOST EXPLICIT
DESCRIPTION OF HOW THE UN FORESEES THE RELATIONSHIP
BETWEEN THE COMMISSION OF EXPERTS AND PERSONNEL ON LOAN

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FROM GOVERNMENTS. WE ENCOURAGE WASHINGTON ADDRESSEES TO
STUDY THE PAPER CAREFULLY, INCLUDING THE REFERENCES TO
UNAMIR BEING RESPONSIBLE FOR SECURITY OF PERSONS WORKING
UNDER UN AUSPICES IN RWANDA. WE WILL NOT/NOT BROACH WIT
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THE COMMISSIONERS OR THE HCHR THE SUBJECT OF THE LETTER
PARA 14, REF C, UNTIL THE TEAM IS IN GENEVA. (COMMENT:
THE COMMISSION OF EXPERTS WILL NOT -- ACCORDING TO PRESE
PLANS -- ISSUE THEIR PRELIMINARY REPORT UNTIL SEPTEMBER
30. WE THEREFORE SEE NO CAUSE FOR CONCERN THAT THE USG
TEAM MIGHT BE TRAPPED IN A SECONDMENT TO THE COMMISSION
WHEN IT REALLY WANTS TO WORK FOR THE TRIBUNAL'S
PROSECUTOR, A POSITION WHICH PROBABLY WON'T BE CREATED
UNTIL AFTER THE END OF THE TEAM'S INITIAL MISSION ON
OCTOBER 6. ENDCOMMENT.)

18. IN REPOSE TO REF C, PARA 18, W STRONGLY URGE THA
THE USG TEAM KEEP ITS PLANS FO INVESTIGATIONS AND
INTERVIEWS FLEXIBLE UNTIL I HAS COORDINATED ITS
ACTIVITIES WITH THE COMMISSION OF EXPERTS. AS DESCRIBED
ABOVE, THE UN HUMAN RIGHTS FIELD OPERATION SHOULD NOW BE
ADEQUATELY STAFFED TO PROVIDE GUIDANCE AND ARRANGE
APPROPRIATE MEETINGS IN COUNTRY, THEREBY RELIEVING EMBAS
KIGALI OF HIGH-LEVEL VISIBILITY IN A POTENTIALLY TOUCHY
SUBJECT AREA. SPIEGEL

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